

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED

NOV 05 2015


CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER DAVID EDENSO SR.,

Defendant.

3:15-CR-30076-RAL

ORDER ADOPTING REPORT AND
RECOMMENDATION

Christopher Edenso Sr. moved to suppress statements he made during an interview with law enforcement officers. Doc. 26. Magistrate Judge Mark A. Moreno held an evidentiary hearing during which he received a recording of the interview and heard testimony from one of the interviewing officers. On October 15, 2015, Judge Moreno issued a Report and Recommendation recommending that Edenso's motion be granted in part and denied in part. Doc. 43. Judge Moreno concluded that Edenso's statements were inadmissible as substantive evidence but could be used for impeachment should Edenso testify.

This Court reviews a report and recommendation pursuant to the statutory standards found in 28 U.S.C. § 636(b)(1), which provides in relevant part that "[a] judge of the [district] court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." "In the absence of an objection, the district court is not required 'to give any more consideration to the magistrate's report than the court considers appropriate.'" United States v. Murrillo-Figueroa, 862 F. Supp. 2d 863, 866 (N.D. Iowa 2012) (quoting Thomas v. Arn, 474 U.S. 140, 150 (1985)).

Here, neither party has objected to the Report and Recommendation and the fourteen days for doing so has passed. Accordingly, this Court has reviewed the Report and Recommendation under a clearly erroneous standard of review. See Grindler v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam) (explaining that when no objections are filed and the time for filing objections has expired, the district court “would only have to review the findings of the magistrate judge for clear error”). Finding no clear error, this Court adopts the Report and Recommendation.

For the foregoing reasons, it is hereby

ORDERED that Edenso’s Motion to Suppress, Doc. 26, is granted in part and denied in part. It is further

ORDERED that the Report and Recommendation, Doc. 43, is adopted.

DATED this 4th day of November, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Roberto A. Lange", is written over a horizontal line.

ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE